

House Study Bill 77 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON RIZER)

A BILL FOR

1 An Act providing for the licensure of genetic counselors,
2 making penalties applicable, and including effective date
3 and implementation provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2017,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, genetic counselor, physician assistant, psychologist,
6 chiropractor, nurse, dentist, dental hygienist, dental
7 assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 orthotist, prosthetist, pedorthist, respiratory care
11 practitioner, practitioner of cosmetology arts and sciences,
12 practitioner of barbering, funeral director, dietitian, marital
13 and family therapist, mental health counselor, respiratory
14 care and polysomnography practitioner, polysomnographic
15 technologist, social worker, massage therapist, athletic
16 trainer, acupuncturist, nursing home administrator, hearing
17 aid specialist, or sign language interpreter or transliterator
18 means a person licensed under [this subtitle](#).

19 6. "*Profession*" means medicine and surgery, podiatry,
20 osteopathic medicine and surgery, genetic counseling, practice
21 as a physician assistant, psychology, chiropractic, nursing,
22 dentistry, dental hygiene, dental assisting, optometry, speech
23 pathology, audiology, pharmacy, physical therapy, physical
24 therapist assisting, occupational therapy, occupational therapy
25 assisting, respiratory care, cosmetology arts and sciences,
26 barbering, mortuary science, marital and family therapy, mental
27 health counseling, polysomnography, social work, dietetics,
28 massage therapy, athletic training, acupuncture, nursing
29 home administration, practice as a hearing aid specialist,
30 sign language interpreting or transliterating, orthotics,
31 prosthetics, or pedorthics.

32 Sec. 2. Section 147.2, subsection 1, Code 2017, is amended
33 to read as follows:

34 1. A person shall not engage in the practice of medicine
35 and surgery, podiatry, osteopathic medicine and surgery,

1 genetic counseling, psychology, chiropractic, physical
2 therapy, physical therapist assisting, nursing, dentistry,
3 dental hygiene, dental assisting, optometry, speech pathology,
4 audiology, occupational therapy, occupational therapy
5 assisting, orthotics, prosthetics, pedorthics, respiratory
6 care, pharmacy, cosmetology arts and sciences, barbering,
7 social work, dietetics, marital and family therapy or
8 mental health counseling, massage therapy, mortuary science,
9 polysomnography, athletic training, acupuncture, nursing
10 home administration, or sign language interpreting or
11 transliterating, or shall not practice as a physician assistant
12 or a hearing aid specialist, unless the person has obtained a
13 license for that purpose from the board for the profession.

14 Sec. 3. Section 147.13, subsection 1, Code 2017, is amended
15 to read as follows:

16 1. For medicine and surgery, osteopathic medicine and
17 surgery, ~~and~~ acupuncture, and genetic counseling, the board of
18 medicine.

19 Sec. 4. Section 147.74, Code 2017, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 23A. A genetic counselor licensed under
22 chapter 148H may use the words "genetic counselor", "licensed
23 genetic counselor", "gene counselor", "genetic consultant",
24 "genetic associate" or any words, letters, abbreviations, or
25 insignia indicating that the person holds a genetic counseling
26 license after the person's name.

27 Sec. 5. NEW SECTION. 148H.1 Definitions.

28 1. "*Active candidate status*" means a person has met the
29 requirements established by the American board of genetic
30 counseling to take the American board of genetic counseling
31 certification examination in general genetics and genetic
32 counseling and has been granted this designation by the
33 American board of genetic counseling.

34 2. "*Board*" means the board of medicine.

35 3. "*Genetic counseling*" means the provision of services by

1 an individual who qualifies for a license under this chapter.

2 4. "*Genetic counseling intern*" means a student enrolled in
3 a genetic counseling program accredited by the accreditation
4 council for genetic counseling or the American board of medical
5 genetics and genomics.

6 5. "*Genetic counselor*" means an individual who is licensed
7 under this chapter to engage in the practice of genetic
8 counseling.

9 6. "*Qualified supervisor*" means any person who is a genetic
10 counselor licensed under this chapter, a physician licensed
11 under chapter 148, or an advanced registered nurse practitioner
12 licensed under chapter 152.

13 7. "*Supervision*" means supervision by a qualified supervisor
14 who has the overall responsibility of assessing the work of
15 a provisional licensee, provided that an annual supervision
16 contract signed by the qualified supervisor and the provisional
17 licensee is on file with both parties. "*Supervision*" does
18 not require the qualified supervisor's presence during the
19 performance of services.

20 Sec. 6. NEW SECTION. 148H.2 **Scope of practice.**

21 A person licensed under this chapter may do any of the
22 following:

23 1. Obtain and evaluate individual, family, and medical
24 histories to determine genetic risk for genetic and medical
25 conditions and diseases in a patient, the patient's offspring,
26 and other family members.

27 2. Discuss the features, history, means of diagnosis,
28 genetic and environmental factors, and management of risk for
29 genetic and medical conditions and diseases.

30 3. Identify, order, and coordinate genetic laboratory tests
31 and other diagnostic studies as appropriate for the genetic
32 assessment of a patient.

33 4. Refer a patient to a specialty or subspecialty department
34 as necessary for the purpose of collaborating on diagnosis and
35 treatment involving multiple body systems and general medical

1 management.

2 5. Integrate genetic laboratory test results and other
3 diagnostic studies with personal and family medical history to
4 assess and communicate risk factors for genetic and medical
5 conditions and diseases.

6 6. Explain the clinical implications of genetic laboratory
7 tests and other diagnostic studies and their results.

8 7. Evaluate the responses of a patient or patient's
9 family to the condition or risk of recurrence and provide
10 patient-centered counseling and anticipatory guidance.

11 8. Identify and utilize community resources that provide
12 medical, educational, financial, and psychosocial support and
13 advocacy.

14 9. Provide written documentation of medical, genetic,
15 and counseling information for families and health care
16 professionals.

17 Sec. 7. NEW SECTION. 148H.3 Qualifications for licensure —
18 provisional licensure — fees.

19 1. Each applicant for licensure under this chapter shall:

20 a. Submit an application form as prescribed by the board.

21 b. Pay a licensing fee as determined by the board.

22 c. Provide satisfactory evidence of certification as a
23 genetic counselor by the American board of genetic counseling
24 or the American board of medical genetics and genomics or as a
25 medical geneticist by the American board of medical genetics
26 and genomics.

27 2. A license shall be issued for a two-year period upon
28 payment of the licensing fee and shall be renewed upon the
29 filing of a renewal application and renewal fee as prescribed
30 by the board.

31 3. A licensee shall maintain active certification as a
32 genetic counselor by the American board of genetic counseling
33 or the American board of medical genetics and genomics or as a
34 medical geneticist by the American board of medical genetics
35 and genomics.

1 4. *a.* The board may issue a provisional license to an
2 applicant who meets all of the requirements for licensure
3 except for the certification component and who has been granted
4 active candidate status by the American board of genetic
5 counseling.

6 *b.* The applicant shall pay a fee as determined by the board
7 upon filing of an application prescribed by the board for
8 provisional licensure.

9 *c.* A provisional license shall expire upon the earlier of
10 issuance of a full license by the board or the loss of active
11 candidate status from the American board of genetic counseling
12 by the holder of the provisional license.

13 *d.* A person with a provisional license shall only practice
14 genetic counseling under the supervision of a qualified
15 supervisor.

16 5. The fees established and collected by the board
17 pursuant to this section shall be sufficient to administer the
18 provisions of this chapter.

19 Sec. 8. NEW SECTION. **148H.4 Scope of chapter.**

20 This chapter shall not be construed to apply to any of the
21 following:

22 1. A physician or surgeon or an osteopathic physician or
23 surgeon licensed under chapter 148, a registered nurse or an
24 advanced registered nurse practitioner licensed under chapter
25 152, a physician assistant licensed under chapter 148C, or
26 other persons licensed under chapter 147 when acting within the
27 scope of the person's profession and doing work of a nature
28 consistent with the person's training.

29 2. A person who is certified by the American board of
30 medical genetics and genomics as a doctoral medical geneticist
31 and is not a genetic counselor.

32 3. A person employed as a genetic counselor by the federal
33 government or an agency thereof if the person provides genetic
34 counseling services solely under the direction and control of
35 the entity by which the person is employed.

1 4. A genetic counseling intern.

2 Sec. 9. NEW SECTION. 148H.5 Continuing education.

3 An applicant for renewal of a license under this chapter
4 shall submit satisfactory evidence to the board that in the
5 period since the license was issued or last renewed, the
6 applicant has completed thirty hours of national society of
7 genetic counselors or American board of medical genetics
8 and genomics continuing education units or other continuing
9 education approved by the board.

10 Sec. 10. NEW SECTION. 148H.6 Rules — authority of board.

11 The board shall adopt rules consistent with this chapter and
12 chapters 147 and 148 which are necessary for the performance
13 of its duties under this chapter. The board may consult with
14 genetic counselors during an investigative or disciplinary
15 proceeding as it deems necessary.

16 Sec. 11. NEW SECTION. 148H.7 Licensee discipline.

17 1. In addition to the grounds for revocation or suspension
18 referred to in section 147.55 and in accordance with the
19 disciplinary process established for the board by section
20 148.6, the board may discipline a person licensed under this
21 chapter who is guilty of any of the following acts or offenses:

22 a. Conviction of a felony under state or federal law or
23 commission of any other offense involving moral turpitude.

24 b. Having been adjudged mentally ill or incompetent by a
25 court of competent jurisdiction.

26 c. Engaging in unethical or unprofessional conduct including
27 but not limited to negligence or incompetence in the course of
28 professional practice.

29 d. Violating any lawful order, rule, or regulation rendered
30 or adopted by the board.

31 e. Having been refused issuance of or disciplined in
32 connection with a license issued by any other jurisdiction.

33 2. A genetic counselor whose license is suspended or revoked
34 or whose surrender of license with or without prejudice has
35 been accepted by the board shall promptly deliver the original

1 license to the board.

2 3. A provisional licensee who loses active candidate status
3 with the American board of genetic counseling shall surrender
4 the provisional license to the board immediately.

5 Sec. 12. EFFECTIVE DATE AND IMPLEMENTATION. This Act shall
6 take effect January 1, 2018, except that the board of medicine
7 may begin implementation prior to that date, to the extent
8 necessary to fully implement the provisions providing for the
9 licensure of genetic counselors by January 1, 2018.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill provides for the licensure of genetic counselors.
14 Under the bill, the board of medicine would be responsible
15 for the licensure, discipline, and rulemaking relating to the
16 practice of genetic counseling. The bill establishes a scope
17 of practice for genetic counselors, provides requirements for
18 licensure and continuing education, and includes licensee
19 discipline provisions. The bill provides that persons not
20 licensed under the bill, but who refer to themselves as genetic
21 counselors or use other similar terms or abbreviations shall
22 be guilty of a simple misdemeanor. A simple misdemeanor is
23 punishable by confinement for no more than 30 days or a fine of
24 at least \$65 but not more than \$625 or by both.

25 The bill takes effect January 1, 2018, except that the board
26 of medicine may begin implementation before that date.